

### REMARKS

Applicants submit the following Amendment in response to the Office Action dated September 26, 2007. Claims 1-37 are pending in this application. By this Amendment, Applicants have amended claims 1-18 and 31-37 to overcome the rejection under 35 U.S.C. § 112, second paragraph. These amendments were not made to distinguish the presently claimed invention of the art of record. Favorable reconsideration of all of the pending claims is requested in view of the remarks below.

Applicants thank the Examiner for indicating that claims 20, 21, 25, 26, 29 and 30 would be allowed if rewritten in independent form to include all of the recitations found in the base claims and any intervening claims. In view of Applicants' remarks below, it is believed that the base claims and intervening claims are also patentably distinct from the art of record. Accordingly, Applicants have not rewritten these claims in independent form pending the Examiner's reconsideration of these other claims.

As stated above, Applicants have amended the claims to overcome the rejection of claims 1-18 and 31-37 under 35 U.S.C. § 112, second paragraph. Again, these amendments were not made to distinguish the presently claimed invention of the art of record. Applicants respectfully request the Examiner to withdraw the rejection based on 35 U.S.C. § 112, second paragraph.

Claims 1, 2, 8, 10-12, 17-19, 22-24, 27, 28 and 31 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,490,859 to Mische et al. (the "Mische patent"). Applicants strongly disagree with the Examiner's position regarding the Mische patent since many of the recited components are clearly absent in the Mische patent. First, it is noted that the claims require a locking component which includes means for temporarily compressing at least a portion of the flexible body member of the guide wire to allow the compressed portion of the flexible body member to be placed in a recess formed in the guide wire locking component. Moreover, the compressed portion of the flexible body member is adapted to decompress within the recess formed on the

locking component to lock the formerly compressed portion of the flexible body member within the recess. This particular structure is lacking in the Mische patent. The Examiner has failed to indicate where these components are found on the Mische device. Applicants note that the Examiner apparently references the distal most end of the material removing element 16 as the guide wire locking component. However, there appears to be no means for temporarily compressing at least a portion of the flexible body member of the guide wire in the Mische patent. The Mische device also lacks a recess which receives the compressed portion of the flexible body member. The Examiner has indicated that the coil 112 and bearing surface 114 form the flexible body member of the guide wire 42. However, this bearing surface 114 does not appear to be capable of being temporarily compressed in any manner. In fact, the dimensions of the bearing surface 114 are made larger than the dimensions of the aperture 110 of the annulus 106 to allow the bearing surface to abut against the distal end of the annulus 106. This structure thus prevents the bearing surface 114 from entering this aperture 110 during usage. Therefore, the structure of the Mische patent actually prevents the bearing surface 114 and coil 112 from entering the component which the Examiner has identified as the guide wire locking component. Additionally, it should be further noted that the material removing element 16 of the Mische device is not an embolic filter at all, but rather, is an assembly of cutting wires which ablates stenosis in a body lumen and thereby creates rather than captures embolic particles. For at least these reasons, the Mische patent fails to disclose all of the components recited in the rejected claims. Applicants respectfully request the Examiner to withdraw the Mische patent as an anticipatory reference.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case. Please charge or credit Deposit Account No. 06-2425 for any additional fees in connection with this Amendment.

Respectfully submitted,  
  
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